

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIO PACHECO, et al.,

Plaintiffs,

- v -

CITY OF NEW YORK, et al.,

Defendants.
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MEMORANDUM

CV-05-2013 (NG) (VVP)

The parties have submitted a Stipulation and Protective Order for the court's endorsement. Because the language of the first numbered paragraph of the Stipulation provides broad discretion to counsel to designate materials to be confidential, and therefore subject to the order, without making the required showing of "good cause," *see* Fed. R. Civ. P. 26(c), the court has declined to enter the order as written. Instead, the court has entered a modified version of the Stipulation and Protective Order which permits additional materials to be designated as confidential, and therefore subject to the order, only by the court, upon an appropriate application by counsel. Any such application must identify the documents or other information that are subject to the order with sufficient specificity to permit the court to determine whether the items identified qualify for protection, and if the need for protection is not readily apparent from the description of the documents, a showing of good cause must accompany the application. (Thus, for example, the performance evaluations of the individual defendants qualify for confidentiality protection and no additional showing of good cause is required for entry of the protective order as to them.)

SO ORDERED:

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
March 2, 2006